

## REPORT & RECOMMENDATION OF U.S. MAGISTRATE JUDGE

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Amendment against defendants Williams, Burson, Howe, Doe classification committee members, Skolnik, Cox, Sure, Miller, Weiss, Daniel, Riley, Nevan, Morrow, Baca and Hinson; (3) claims for deliberate indifference to a serious medical need under the Eighth Amendment against defendants Bloomfield, Tate, Komusoff, nurse “Big John”, Dressler, Sybilla, Sanchez, Aranas, Mumford, Mataley, Panzzo, Moten and Wolf. (Screening Order (Doc. # 19).)<sup>2</sup>

The court recently issued another report and recommendation for the denial of two additional motions seeking injunctive relief because they are unrelated to this action. (*See Docs. # 52, # 54, # 55.*) Plaintiff has since filed the instant two motions, once again seeking relief unrelated to this action. The first motion (Doc. # 57), mentions several issues, none of which are related to this case: legal supplies; correctional officers who are not defendants in this action engaging in inappropriate conduct; food safety standards; and Kosher meals. The second motion (Doc. # 58), contains a vague reference to retaliation without describing any conduct in particular and then makes mention of food safety standards.

## **II. DISCUSSION**

A plaintiff seeking injunctive relief must show “[a] relationship between the injury claimed in the party’s motion and the conduct asserted in the complaint.” *Devose v. Herrington*, 42 F.3d 470, 471 (8<sup>th</sup> Cir. 1994); *accord Little v. Jones*, 607 F.3d 1245, 1250-51 (10<sup>th</sup> Cir. 2010); *Colvin v. Caruso*, 605 F.3d 282, 299-300 (6<sup>th</sup> Cir. 2010); *Omega World Travel, Inc. v. Trans World Airlines*, 111 F.3d 14, 16 (4<sup>th</sup> Cir. 1997).

Injunctive relief is used to address issues related to the underlying claims; Plaintiff is not permitted to file a complaint in federal court and then use that action as a forum to air his

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<sup>2</sup> The undersigned issued a report and recommendation for dismissal of this action as a result of Plaintiff’s failure to prosecute the action and keep the court advised of his whereabouts. (Doc. # 50.) Plaintiff since filed an objection to the report and recommendation, which is currently pending before the District Judge.

1 unrelated grievances. Such complaints are properly lodged using the prison grievance system  
2 and, if they remain unresolved, by filing a new action. As such, his two most recent requests for  
3 injunctive relief are improper.  
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5 Therefore, it is recommended that Plaintiff's motions (Docs. # 57, # 58) be denied.

6 **IV. RECOMMENDATION**

7 **IT IS HEREBY RECOMMENDED** that the District Judge enter an order **DENYING**  
8 Plaintiff's motions requesting injunctive relief (Docs. # 57, # 58).  
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10 The parties should be aware of the following:

11 1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the  
12 Local Rules of Practice, specific written objections to this Report and Recommendation within  
13 fourteen (14) days of receipt. These objections should be titled "Objections to Magistrate Judge's  
14 Report and Recommendation" and should be accompanied by points and authorities for  
15 consideration by the District Court.  
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17 2. That this Report and Recommendation is not an appealable order and that any notice of  
18 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed  
19 until entry of the District Court's judgment.  
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21 DATED: November 18, 2013.

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23 **WILLIAM G. COBB**  
24 **UNITED STATES MAGISTRATE JUDGE**  
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